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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,626	01/24/2002	Kenji Fukuda	8001-1009	3592
466	7590	07/10/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			BAYERL, RAYMOND J	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/053,626	<b>Applicant(s)</b> FUKUDA, KENJI	
	<b>Examiner</b> Raymond J. Bayerl	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 2, 4, 6 - 9, 13 - 16, 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 4, 6 - 9, 13 - 16, 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 6 - 9, 13, 15 – 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popa ("Popa"; US #6,006,231) in view of Johnson ("Johnson"; US #6,615,213 B1).

As per independent claim 18's "file distribution method for distributing a file of a style desired by a user terminal from a server to the user terminal via a network", Popa enables retrieving an image from a network, using a server application and a client application, so that a desired version of a desired image is sent via a communication application (Abstract). In Popa, an image file 12 may be accessed via a "request message" for a specific file, resolution, size and colour space (col 5, line 36 - col 6, line 13; fig 3), so that the client application 20 enables an end user to select (manually or automatically) the image file, size, resolution, and colour, and creates the request message.

The Popa disclosure therefore reads upon claim 18, in that in Popa, the "user terminal" is capable of "storing display style information specifying a display style of a file", since the user develops a selection first at the client side, for subsequent transmission in a "request message", and also of "transmitting the display style information to the server", when the Popa server application receives such a request. The Popa "server" is then disclosed as "distributing a file of a style in accordance with the display style information to the user terminal", when the desired version is downloaded.

Popa appears directed to a scenario in which the client and the server have a certain predefined relationship, and thus does not **explicitly** teach the “storing” the “style information” in advance, so that “upon first accessing the server” the data is available, since Popa’s server would most likely have been already accessed in some sort of setup procedure. A similar shortfall results in comparing Popa to independent claims 1, 13 with their “storing display style information” “before first accessing the server”.

However, it was known in the art at the time of applicant’s invention to maintain “user terminal” specifics that are directed towards a variety of “server” instances, as is seen in Johnson, in which application independent data is maintained, so as to permit configured customizable actions (Abstract). In Johnson, data may be sought by many various remote data processing systems (col 2, line 66 - col 3, line 34), and is for automatically communicating (transmitting) to as many remote data processing systems as desired through the minimal user action. It is seen in Johnson, therefore, a generic foundation for facilitating the communication of data by clients to arbitrary remote applications (col 3, lines 39 - 50), so that the application independent data is stored “upon first accessing” “a server”, when one of the many various remote data processing systems is being accessed for the first time.

It would have been obvious to a person having ordinary skill in the art at the time applicant’s invention was made to provide “display style information” such as that which is used in obtaining an image file instance of a particular version from a server, as in

Popa, but with the client having such information on hand “upon first accessing the server”, as in Johnson, because this allows a greater variety of servers to be image file sources, a capability readily appreciated in the Popa environment. Motivation rests at least in Popa, where it is the objective to provide the best copy of an image file that the client can support, and this would be enhanced with a wider variety of sources as per Johnson that do not require separate configuration (e.g., using the same application independent data, Johnson).

As per claim 6’s “server” whose “memory” “previously stores a plurality of files having different display styles” (see also claim 15), because Popa can develop a plurality of different versions of the image (col 1, lines 49 - 59), Popa will have to have such storage for a “distributor” that “selects a corresponding file” and “distributes the file to the user terminal”. Also, please note that in Popa, each version of the image is derived from the same file, as in claim 7’s “original file” that is made to have “a style” by the use of a “converter” (see also claim 16).

As per claim 8, Popa discloses that the user can download any combination of resolution, dimension and colour quality contained in the original image (col 3, lines 7 - 31) for a desired image file. Thus, “presence of an image” is included in the identity of the file, and “size of an image and a size of a display screen” in size (col 3, lines 19 - 31). This aspect of Popa also satisfies claim 9, in which “a display resolution” is part of “the select information”, along with that “color combination” needed for the display in colour quality.

3. Claims 2, 4, 14 are rejected under 35 USC 103(a) as being unpatentable over Popa in view of Johnson and Ovadya et al. ("Ovadya"; US #2001/0009008 A1).

In any arrangement that accesses a "server" in the style of Popa or Johnson, the user identity would certainly be important, where any kind of value-added service is being provided, only these references do not **explicitly** teach claim 2's "identification number generator" that is used at the "distributor" side to retain "display style information".

However, Ovadya's ONLINE SERVICE PLATFORM specifically contemplates such user-by-user "identification", when file conversions, translations or any other service being executed on a file (Abstract) are provided, via a customer identification (customer client ID) 19, which is a code identifying the customer client and a browser 20 (paragraphs [0014], [0019]).

Thus, it would have been further obvious to the person having ordinary skill in the art to use an "identification number" as per Ovadya, to retain the kind of user-specifics that would be useful in a "display style" provision as per Popa, when made to have the further capability of "storing" such information "before first accessing" a "server" as in Johnson, because this gives the "server" side a better control over the individual accessing users in a typical Popa situation, where the relationship retention as in Ovadya allows for optimum customization and support. Motivation can be seen in either of Popa or Johnson, where the accessing user seeks an extent of custom access that is as suitable as possible to that user's needs, in obtaining information from the "server".

When the user has made a first contact and obtained an “identification number” (as suggested by Ovadya), the “user terminals” will retain “the identification number and location information of said server” that has given them (claim 4), when performing the kind of further access seen in both of Popa and Johnson.

Also suggested by the additional obvious addition of Ovadya-style customer identification is claim 14’s “server holding the display style information” and a “user terminal holding the identification number”, for obtaining “a file of a style in accordance with the display style information”, when a Popa “style” maintained for plural “server” instances as in Johnson, is adapted to allow individual users to be identified.

4. Applicant’s arguments filed 2 May 2006 have been fully considered but they are not persuasive.

Concerning claim 18, applicant argues at page 8 that “POPA discloses a client/server relationship in which the client does not store display style information in a memory before first accessing the server”, but applicant’s amendment to claim 18 to recite “upon first accessing” where it had previously said “on accessing” is still covered by the combination with Johnson, as set forth in the modified rejections above.

Concerning Johnson, applicant argues at page 10 that “the information stored by JOHNSON in memory prior to accessing a server is information relating to the user and is not related to a display style of a file to be received by the user from a server”, so that the person of ordinary skill would not look to Johnson to suggest “having style information stored in memory before accessing a server”. However, the kind of preference for given file transfers that is communicated in Popa characterizes the user

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and client requirements, and would be seen as a proper extension to the kind of user data that is maintained in Johnson. The type of “display style” preferred by a Popa user would be suggested as a preference value to maintain along with user identity in Johnson. Many times, a user at a client device will have a particular hardware implementation for display, and this becomes a part of the user’s “personal information” when the user is situated at such a device.

5. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.



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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

29 June 2006